

AMENDED IN SENATE FEBRUARY 1, 2005

Senate Resolution

No. 10

Introduced by Senator Perata

January 27, 2005

Senate Resolution No. 10— Relative to the Standing Rules of the Senate for the 2005–06 Regular Session.

1 *Resolved by the Senate of the State of California, That Rule 2*
2 of the Standing Rules of the Senate for the 2005–06 Regular
3 Session is amended to read:

4
5 Calling to Order
6

7 2. The President pro Tempore, Assistant President pro
8 Tempore, Vice Chair of the Committee on Rules, or senior
9 member present shall call the Senate to order at the hour stated
10 and, if a quorum is present, shall proceed with the order of
11 business.

12 ; and be it further

13 *Resolved by the Senate of the State of California, That Rule 3*
14 of the Standing Rules of the Senate for the 2005–06 Regular
15 Session is amended to read:

16
17 Attendance of Senators
18

19 3. No Senator may absent himself or herself from attendance
20 upon the Senate without first obtaining leave. A lesser number
21 than a quorum of the Senate is authorized to send the Sergeant at
22 Arms for any and all absent Senators at the expense of the absent
23 Senators, unless an excuse for nonattendance made to the Senate

1 when a quorum is present shall be judged sufficient, and in that
2 case the expense shall be paid out of the Senate Operating Fund.
3 The President pro Tempore or Assistant President pro Tempore,
4 or less than a quorum present, shall have the power to issue
5 process directly to the Sergeant at Arms to compel the attendance
6 of Senators absent without leave. Any Senator who refuses to
7 obey that process, unless sick or unable to attend, shall be
8 deemed guilty of contempt of the Senate, and the Sergeant at
9 Arms shall have power to use force as may be necessary to
10 compel the attendance of the absent Senator, and for this purpose
11 he or she may command the force of the county, or of any county
12 in the state.

13 ; and be it further

14 ~~Resolved by the Senate of the State of California, That Rule 4~~
15 ~~of the Standing Rules of the Senate for the 2005-06 Regular~~
16 ~~Session is amended to read:~~

17
18 **Order of Business**
19

20 ~~4. The order of business shall be as follows:~~

21 ~~--(1) Rollcall.~~

22 ~~--(2) Prayer by the Chaplain.~~

23 ~~--(3) Pledge of Allegiance.~~

24 ~~--(4) Privileges of the Floor.~~

25 ~~--(5) Communications and Petitions.~~

26 ~~--(6) Messages from the Governor.~~

27 ~~--(7) Messages from the Assembly.~~

28 ~~--(8) Reports of Committees.~~

29 ~~--(9) Motions, Resolutions and Notices.~~

30 ~~--(10) Introduction and First Reading of Bills.~~

31 ~~--(11) Consideration of Daily File:~~

32 ~~----- (a) Second Reading.~~

33 ~~----- (b) Special Orders.~~

34 ~~----- (c) Unfinished Business.~~

35 ~~----- (d) Third Reading.~~

36 ~~--(12) Announcement of Committee Meetings.~~

37 ~~--(13) Leaves of Absence.~~

38 ~~--(14) Memorials.~~

39 ~~--(15) Adjournment.~~

40 ; and be it further

1 *Resolved by the Senate of the State of California*, That Rule 5
2 of the Standing Rules of the Senate for 2005–06 Regular Session
3 is amended to read:

4
5 Executive Sessions
6

7 5. When a motion is adopted to close the doors of the Senate,
8 on the discussion of any business that may require an executive
9 session, he or she who is presiding shall require all persons,
10 except the Senators, Secretary, Minute Clerk, and Sergeant at
11 Arms, to withdraw, and during the discussion of that business the
12 doors shall remain closed. Every Senator and officer present shall
13 keep secret all matters and proceedings concerning which
14 secrecy shall be enjoined by order of the Senate.

15 ; and be it further

16 *Resolved by the Senate of the State of California*, That Rule 6
17 of the Standing Rules of the Senate for the 2005–06 Regular
18 Session is amended to read:

19
20 The President
21

22 6. The President may preside upon invitation of the Senate.

23 ; and be it further

24 *Resolved by the Senate of the State of California*, That Rule 7
25 of the Standing Rules of the Senate for the 2005–06 Regular
26 Session is amended to read:

27
28 The President pro Tempore
29

30 7. The President pro Tempore shall take the Chair and call
31 the Senate to order at the hour of the meetings of the Senate. The
32 President pro Tempore is the Presiding Officer of the Senate.

33 It shall be the particular responsibility of the President pro
34 Tempore to secure the prompt and businesslike disposition of
35 bills and other business before the Senate. He or she shall
36 maintain order in the Senate Chamber and, in case of a
37 disturbance or disorderly conduct outside the bar or in the
38 gallery, he or she shall have the power to order the same cleared.

39 The President pro Tempore shall serve ex officio as a member
40 of all Senate and joint committees of which he or she is not a

1 regular member, with all of the rights and privileges of that
2 membership except the right to vote. In counting a quorum of
3 any of these committees, the President pro Tempore may not be
4 counted as a member.

5 The Assistant President pro Tempore or the Vice Chair of the
6 Committee on Rules shall, in the absence of the President pro
7 Tempore, perform the duties, and have all powers and authority,
8 of the President pro Tempore.

9 ; and be it further

10 *Resolved by the Senate of the State of California, That Rule 8*
11 *of the Standing Rules of the Senate for the 2005–06 Regular*
12 *Session is amended to read:*

13
14 The Assistant President pro Tempore

15
16 8. The President pro Tempore of the Senate may name a
17 Senator to perform the duties of the Chair in his or her absence.
18 The Senator so named shall be vested, during that time on the
19 floor, with all the powers of the President pro Tempore, and the
20 Senator who performs these duties shall be known as the
21 Assistant President pro Tempore.

22 In the absence of the President pro Tempore, the Assistant
23 President pro Tempore, or the Vice Chair of the Committee on
24 Rules, any Senator may perform the duties of the Chair.

25 ; and be it further

26 *Resolved by the Senate of the State of California, That Rule 12*
27 *of the Standing Rules of the Senate for the 2005–06 Regular*
28 *Session is amended to read:*

29
30 Standing Committees

31
32 12. The standing committees of the Senate and subjects to be
33 referred to each are set out below. The provisions set forth below
34 as to the assignment of bills are intended as a guide to the
35 Committee on Rules, but are not binding upon the committee.

36 (1) Agriculture, 9 members. Bills relating to agriculture.

37 (2) Appropriations, 13 members. Bills that are subject to Joint
38 Rule 10.5 and are not referred to the Budget and Fiscal Review
39 Committee. Bills that constitute a state-mandated local program.

1 (3) Banking, Finance and Insurance, 10 members. Bills
2 relating to financial institutions and retail credit interest rates.
3 Bills relating to insurance, ~~including managed care~~, indemnity,
4 surety, and warranty agreements.

5 (4) Budget and Fiscal Review, 17 members. The Budget Bill
6 and bills implementing the Budget. Bills that directly affect the
7 State Budget.

8 (5) Business, Professions and Economic Development, 7
9 members. Bills relating to business and professional practices,
10 licensing, and regulations other than bills relating to horseracing,
11 alcoholic beverages, oil, mining, geothermal, and forestry
12 industries. Bills relating to economic development, commerce
13 and international trade.

14 (6) Education, 12 members. Bills relating to education, higher
15 education, and certificated educational personnel.

16 (7) Elections, Reapportionment, and Constitutional
17 Amendments, 6 members. Bills relating to elections and
18 reapportionment. Bills relating to constitutional amendments,
19 when favorably reported out of the standing committee having
20 jurisdiction of the subject matter.

21 (8) Energy, Utilities, and Communications, 11 members. Bills
22 relating to public utilities and carriers, energy companies,
23 alternative energy development and conservation, and
24 communications development and technology.

25 (9) Environmental Quality, 9 members. Bills relating to
26 environmental quality, air quality, water quality, integrated waste
27 management, recycling, toxics, and hazardous waste.

28 (10) Government Modernization, Efficiency and
29 Accountability, 10 members. Bills relating to state government
30 organization, the efficient delivery of state government services,
31 and legislation permitting the use of state-controlled lands. Bills
32 that have been considered by other committees having
33 jurisdiction of the appropriate subject, for consideration of any
34 question relating to state government.

35 (11) Governmental Organization, 11 members. Bills relating
36 to horseracing, public gaming, and alcoholic beverages, and bills
37 related to the management of public safety emergencies and
38 disaster response.

1 (12) Health, 11 members. Bills relating to public health,
2 alcohol and drug abuse, mental health, *managed care*, and related
3 institutions.

4 (13) Human Services, 7 members. Bills relating to welfare,
5 social programs and services, and related institutions.

6 (14) Judiciary, 7 members. Bills amending the following:

7 (a) Civil Code, except measures related to retail credit interest
8 rates.

9 (b) Code of Civil Procedure.

10 (c) Evidence Code, except matters relating to criminal
11 procedure.

12 (d) Family Code.

13 (e) Probate Code.

14 (f) Bills relating to municipal and state court judgeships, court
15 attachés, and personnel. Bills relating to liens, claims, and
16 unclaimed property.

17 (15) Labor and Industrial Relations, 8 members. Bills relating
18 to labor, industrial safety, unemployment, workers'
19 compensation and insurance, and noncertificated public school
20 employees.

21 (16) Local Government, 7 members. Bills relating to local
22 governmental procedure and organization. Bills relating to land
23 use. Bills that have been considered by other committees having
24 jurisdiction of the appropriate subject, for consideration of any
25 questions relating to local government administration.

26 (17) Natural Resources and Water, 11 members. Bills relating
27 to conservation and the management of public resources, fish and
28 wildlife, regulation of oil, mining, geothermal development, acid
29 deposition, wetlands and lakes, global atmospheric effects, ocean
30 and bay pollution, coastal resources, forestry practices,
31 recreation, parks, and historical resources. Bills relating to water
32 supply management.

33 (18) Public Employment and Retirement, 5 members. Bills
34 relating to state and local nonschool public employees and public
35 employee retirement.

36 (19) Public Safety, 7 members. Bills amending the following:

37 (a) Evidence Code, relating to criminal procedure.

38 (b) Penal Code.

39 (c) Statutes of a penal nature not related closely to a subject
40 included in another subdivision of this rule.

(d) Bills relating to the Youth and Adult Corrections Agency.
(20) Revenue and Taxation, 8 members. Bills relating to state and local revenues and taxation, except bills described in subdivision (a) of Rule 28.9.

(21) Rules, 5 members. Proposed amendments to the rules and other matters relating to the business of the Legislature.

(22) Transportation and Housing, 14 members. Bills relating to the operation, safety, equipment, transfer of ownership, licensing, and registration of vehicles, aircraft, and vessels. Bills relating to the Department of Transportation and the Department of Motor Vehicles. Bills relating to waterways, harbors, highways, public transportation systems, and airports. Bills relating to housing and community redevelopment.

(23) Veterans Affairs, 5 members. Bills relating to veterans, military affairs, and armories. Bills amending the Military and Veterans Code.

The standing committees of any regular session shall be the standing committees of concurrent special or extraordinary sessions unless otherwise ordered by the Senate.

; and be it further

Resolved by the Senate of the State of California, That Rule 18.5 of the Standing Rules of the Senate for the 2005–06 Regular Session is amended to read:

Printing of Reports

18.5. All requests for the printing of reports of Senate committees shall be made to the Committee on Rules.

The Committee on Rules shall determine if the report is to be printed, the number of copies needed, and whether or not the report shall be printed in the Journal.

If the report is to be printed by the Office of State Publishing, it shall hold the type for each Senate committee report for a period of 90 days from the date of the first printing or for such other time as the Committee on Rules deems necessary.

; and be it further

Resolved by the Senate of the State of California, That Rule 20 of the Standing Rules of the Senate for the 2005–06 Regular Session is amended to read:

Parliamentary Rules

20. In all cases not provided for by the Constitution, these rules, the Joint Rules of Senate and Assembly, statute, or custom and usage of the Senate, the authority shall be the latest edition of Mason's Manual.

; and be it further

Resolved by the Senate of the State of California, That Rule 29.5 of the Standing Rules of the Senate for the 2005–06 Regular Session is amended to read:

Amended Forms of Measures

29.5. No bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution may be considered for passage unless and until a copy of the measure as last amended is on the desk of each Member in printed or electronic form.

; and be it further

Resolved by the Senate of the State of California, That Rule 30 of the Standing Rules of the Senate for the 2005–06 Regular Session is amended to read:

Special Order

30. Any measure or subject may, by vote of a majority of those voting, be made a special order and, when the time fixed for its consideration arrives, he or she who is presiding shall lay it before the Senate.

; and be it further

Resolved by the Senate of the State of California, That Rule 33 of the Standing Rules of the Senate for the 2005–06 Regular Session is amended to read:

Enrolling Measures

33. All Senate measures shall be enrolled immediately following their final passage and receipt from the Assembly. An enrolled copy of every bill, constitutional amendment, or resolution shall be printed and examined to ascertain that it is a

1 true and accurate copy of the measure as it was passed. It shall
2 then be authenticated by the signature of the Secretary of the
3 Senate or his or her designee, and the Chief Clerk of the
4 Assembly or his or her designee, and transmitted to the Governor
5 or Secretary of State, as the case may be.

6 ; and be it further

7 *Resolved by the Senate of the State of California*, That Rule 34
8 of the Standing Rules of the Senate for the 2005–06 Regular
9 Session is amended to read:

10
11 Statement of Motion
12

13 34. A motion may not be debated until it is distinctly
14 announced by he or she who is presiding, and it shall be reduced
15 to writing if desired by any Senator, and read by the Secretary,
16 before it is debated.

17 ; and be it further

18 *Resolved by the Senate of the State of California*, That Rule 35
19 of the Standing Rules of the Senate for the 2005–06 Regular
20 Session is amended to read:

21
22 Regulations as to Speaking
23

24 35. (a) When a Senator desires to address the Senate, he or
25 she shall rise in his or her place, address he or she who is
26 presiding, and, when recognized, proceed to speak through the
27 public address system.

28 (b) A Senator may not speak more than twice in any one
29 debate on the same day, and at the same stage of the bill, without
30 leave; Senators who have once spoken are not again entitled to
31 the floor (except for explanation) so long as any Senator who has
32 not spoken desires to speak.

33 (c) When two or more Senators arise at the same time to
34 address the Senate, the presiding officer shall designate the
35 Senator who is entitled to the floor.

36 (d) A Senator may not be interrupted when speaking, and no
37 question may be asked of him or her except through the presiding
38 officer.

39 (e) The author of a bill, motion, or resolution shall have the
40 privilege of closing the debate.

1 *Resolved by the Senate of the State of California*, That Rule 36
2 of the Standing Rules of the Senate for the 2005–06 Regular
3 Session is amended to read:
4 ; and be it further

5
6 Order in Debate
7

8 36. When a Senator is called to order he or she shall sit down
9 until he or she who is presiding has determined whether or not he
10 or she is in order. Every question of order shall be decided by he
11 or she who is presiding, subject to an appeal to the Senate by any
12 Senator. If a Senator is called to order for words spoken, the
13 objectionable language shall immediately be taken down in
14 writing by the Secretary of the Senate.
15 ; and be it further

16 *Resolved by the Senate of the State of California*, That Rule 37
17 of the Standing Rules of the Senate for the 2005–06 Regular
18 Session is amended to read:

19
20 Right to Address the Senate
21

22 37. A person other than a Member of the Senate, may not
23 address the Senate while it is in session, except that the Senate
24 may resolve itself into a Committee of the Whole and, while
25 sitting as a Committee of the Whole, may be addressed by
26 persons other than Members.
27 ; and be it further

28 *Resolved by the Senate of the State of California*, That Rule 42
29 of the Standing Rules of the Senate for the 2005–06 Regular
30 Session is amended to read:

31
32 Call of the Senate
33

34 42. Upon a motion being carried for a call of the Senate, he
35 or she who is presiding shall immediately order the doors to be
36 closed, and shall direct the Secretary to call the names of the
37 absentees as disclosed by the last previous rollcall. Thereupon, a
38 Member may not be permitted to leave the Senate Chamber
39 except by written permission of the President pro Tempore or, in
40 his or her absence, of the Assistant President pro Tempore or of

1 the Vice Chair of the Committee on Rules, or, in their absence of
2 another member of the Committee on Rules designated for that
3 purpose by the President pro Tempore or the Vice Chair of the
4 Committee on Rules. Those Members who are found to be absent
5 and for whom no excuse or insufficient excuses are made may,
6 by order of those present, be taken into custody, as they appear,
7 or may be sent for and then taken into custody by the Sergeant at
8 Arms whenever found, or by special messenger to be appointed
9 for that purpose. In the absence of a quorum, a majority of the
10 Members present may order a rollcall of the Senate and compel
11 the attendance of absentees in the manner above provided.

12 A call of the Senate may be ordered after the roll has been
13 called and prior to the announcement of the vote. A call of the
14 Senate may be dispensed with at any time upon a majority vote
15 of the Senators present, that action to become effective upon
16 completion of the rollcall and the announcement of the vote upon
17 the matter for which the call was ordered.

18 A recess may not be taken during a call of the Senate. During
19 any call, the call may be made to apply also to other items of
20 business by a motion made and adopted by a majority vote of the
21 Members present. Under those circumstances, when the call of
22 the Senate is dispensed with as to any item of business, the call is
23 deemed to be continued in effect until other items of business
24 that have been made subject to the call by a majority of the
25 Members present have been acted upon. When a call of the
26 Senate is ordered, pending the announcement of the vote upon
27 the completion of a rollcall, the pending rollcall shall become
28 unfinished business, the consideration of which shall be
29 continued until further proceedings under the call of the Senate
30 are dispensed with, when it will forthwith become the order of
31 business before the Senate.

32 A motion to adjourn is not in order during a call of the Senate.
33 ; and be it further

34 *Resolved by the Senate of the State of California, That Rule 46*
35 *of the Standing Rules of the Senate for the 2005–06 Regular*
36 *Session is amended to read:*

Voting by Presiding Senator

46. When any Member presiding over the Senate, he or she shall vote on rollcall the same as though he or she were not presiding.

; and be it further

Resolved by the Senate of the State of California, That Rule 52 of the Standing Rules of the Senate for the 2005–06 Regular Session is amended to read:

Duty of Secretary to Order Printing

52. It shall be the duty of the Secretary of the Senate, and he or she is hereby directed, to order for the Senate the necessary printing, including stationery for the Members, and to audit and approve all bills for printing to be charged to the Senate. The Secretary of the Senate shall order from the Office of State Publishing the number of copies of bills, Journals, Histories, Files, forms, and other printing as shall be necessary.

It shall further be the duty of the Secretary of the Senate to order bills and other legislative publications for which there is a demand, to be printed before the supply of same shall become exhausted.

Resolved by the Senate of the State of California, That Rule 53 of the Standing Rules of the Senate for the 2005–06 Regular Session is amended to read:

; and be it further

Printing Only on Written Orders; Rush Orders

53. The Office of State Publishing may not charge any printing or other work to the Senate except as required by law unless he or she has a written order from the Secretary of the Senate prior to beginning the printing or other work. All printing orders by the Secretary of the Senate shall be delivered as directed by him or her. The Secretary of the Senate may, when necessity requires it, order from the Office of State Publishing the printing that he or she deems necessary to be printed in

- 1 advance of the regular order of business, under a specially
- 2 prepared written order to be known as a “Rush Order.”

O